

Approved

**City of York Planning Commission
August 23, 2021
Minutes**

Members present:

Chairperson Wendy Duda
Matt Hickey
Maria Duncan
Charles Brewer
Ron Parrish
Arthur Lowry
Francine Mills

Members absent:

Others present:

Planning Director Breakfield
Zoning Administrator Blackston
City Manager Duncan
(see sign-in sheet)

Chairperson Wendy Duda called the meeting to order at 6:00 pm.

The first item of business was the discussion of a potential Executive Session for the receipt of legal advice due to legal matters.

Upon a Motion by Matt Hickey, seconded by Charles Brewer, the Commission unanimously voted to enter Executive Session; thereafter, Chairperson Duda announced the end of executive session, stated that no action was taken during Executive Session and that the regular portion of the agenda would continue.

The second item of business was approval of the draft Minutes from the July 21, 2021 meeting.

Upon a Motion by Maria Duncan, seconded by Arthur Lowry, the Commission unanimously approved the draft Minutes as submitted.

For the third item of business, Chairperson Duda opened the floor for comments from the public on agenda items.

Numerous people spoke regarding the upcoming Spring Lakes project near Springlake Country Club. Public concerns expressed included excessive housing density, incompatibility of the project with surrounding community, lots were too small, inadequacy of the proposed emergency access, the need for upscale housing in the proposed location, potential devaluing of existing nearby properties, etc.

The fourth item of business was consideration of rezoning and special exception/conceptual site plan submittals for the Spring Lakes project per the following (proposed project near Springlake Country Club off of Springlake Road and Blessed Hope Road)(Tax Map Id #'s 0702301004, 0702301005 & 0702301007):

- a. The City has received an application to rezone the specified properties from R15- Restricted Residential/ R7-Residential to R5- Multifamily Residential. The rezoning application encompasses approximately +/- 63.51 acres.

As with any rezoning application, the Planning Commission (PC) must review the application and then render a recommendation to York City Council. As the rezoning application is reviewed, the PC must be mindful that, among other things, the City's Comprehensive Plan must be used in the evaluation process. City Council must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.

- b. In a R5 – Multifamily Residential Zoning District, single family dwelling subdivisions are allowed only by special exception approval. The City received a special exception application and conceptual site plan for a single family dwelling subdivision to be located as referenced above.

Any recommendation for approval of the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the requested R5 – Multifamily Residential zoning designation for the properties.

As the special exception application and conceptual site plan are reviewed, the PC must be mindful that, among other things, the City's Comprehensive Plan must be used in the evaluation process and that the following factors must be addressed in the decision-making process:

- a. The proposed design and location of the particular development.
- b. The possible traffic-generating characteristics of the proposed development.
- c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
- d. The availability of public utilities, facilities and services.

As with any special exception application, the PC must review the application and then render a recommendation to the Board of Zoning Appeals (BZA). The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.

- c. The applications were informally discussed at the May 24th PC meeting and then formally reviewed at the July 7th PC meeting.
- d. Prior to the July 7th PC meeting, City staff reviewed the special exception application and conceptual site plan for the project and provided written comments regarding the project to the applicant. The noted comments from City staff and the written response from the applicant were discussed at the July 7th PC meeting.

- e. The provided draft Minutes from the July 7th meeting detailed the comments made by the PC. The noted Minutes were provided to the applicant and the applicant has responded with the provided revised plan and itemized information.
- f. In particular, to hopefully make the upcoming meeting more productive, City staff requested that the applicant create an itemized list of proposed design attributes for this project that differentiate the project from other previously-approved projects. The response from the applicant was provided in the meeting packet.
- g. The PC has a maximum of 75 days from the initial official meeting regarding these applications to review and make recommendations regarding such applications.

During discussion of the applications, the following was discussed:

1. At its July 7th meeting, the PC indicated that the comprehensive plan requires that the City provide for a wide range of quality housing projects that are available to all income levels, increase homeownership rate and housing values and provide an overall site design that is harmonious and provide a variety of building types, facades and open spaces. The City has approved a significant number of residential units in the \$250,000-\$325,000 price range over the last year or so.
2. Based on the noted objective from the comprehensive plan and the project's proximity to the existing adjacent golf course and community, the proposed project represented an excellent opportunity to be a 'step up' in project caliber. The PC appreciated the applicant's stated desire to have an average home price of approximately \$400,000 for this project but desired information as to how this price level would be achieved for the overall project; in particular, the PC requested that the applicant provide more details that would differentiate the project from other recently-approved projects in the city.
3. To further clarify, the PC indicated a reluctance to recommend approval of a project that had similar design specifications as recently-approved \$250,000-\$325,000 price range projects with the assumption that the proposed location by itself would add significant value to the typical house. The PC further specified numerous design attributes as potential ways to differentiate the project. The PC requested that the applicant review the specified concepts and provide revised drawings and information for review and the PC appreciated the applicant's response to the comments.

Representatives of R. Joe Harris and Associates presented and discussed the proposed project. The presentation included an itemized response to previous comments by the PC, a summary of revisions made at the request of the PC as well as a chart that compared characteristics of the proposed project versus projects previously approved by the City; furthermore, during discussion, the applicant agreed to the following two (2) additional conditions:

1. Increase the minimum percentage of masonry materials from 25% to 30% for front façade of homes.

2. Specify the use of brick or stone water table extending 18” above grade on all sides of home.

After much discussion, a Motion was made by Charles Brewer and seconded by Matt Hickey to recommend approval of the rezoning and special exception applications with the inclusion of the two (2) noted additional conditions. Charles Brewer indicated that project had been greatly upgraded and listed design aspects to support his Motion. The Motion failed with Charles Brewer and Matt Hickey voting in favor of the Motion. The remaining PC members voted in opposition to the Motion.

Upon a Motion by Maria Duncan, seconded by Francine Mills, the PC voted to recommend denial of the rezoning and special exception applications finding that the applications did not comply with the comprehensive plan as described earlier in PC discussion. Charles Brewer and Matt Hickey voted to deny the Motion. The remaining PC members voted in favor of the Motion.

The fifth item of business was the informal discussion of upcoming annexation /rezoning /special exception applications for a proposed residential project at the intersection of Devinney Road and McFarland Road.

The applicant discussed the upcoming proposal with the Commission and received initial feedback from Commission members. The applicant indicated that he would submit a rezoning application along with a special exception application and conceptual site plan (and ultimately an annexation request) for an upcoming meeting.

The sixth item of business was the discussion of a potential zoning amendment regarding brewpubs.

Planning Director Breakfield explained the definition of a brewpub versus a standard bar and restaurant. The Commission indicated a desire to consider the creation of potential brewpub standards and requested that further information and a draft ordinance be presented at an upcoming meeting.

The seventh item of business was the presentation of the Fishing Creek WWTP Capacity Report. City Manager Seth Duncan explained the report and its findings to the Planning Commission and then answered several Commission member questions regarding the report and what it means for future development.

There being no further business, the meeting was adjourned at 9:00 pm.

Respectfully submitted,

C. David Breakfield, Jr. MCP, AICP
Planning Director

cc: File – Planning Commission 8/23/2021
Seth Duncan, City Manager